

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMES HUGO STERLING,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

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Case No.: 5:17-cv-00268-RDP-TMP


MEMORANDUM OPINION

On March 28, 2017, the Magistrate Judge's Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. (Doc. # 4). No objections were filed.¹

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge that the petition for writ of habeas corpus be denied and dismissed without prejudice for failure to pay the filing fee.

A separate order in accordance with the Memorandum Opinion will be entered.

DONE and **ORDERED** this April 13, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

¹ The court notes that Petitioner, a pretrial detainee, does not receive the benefit of the mailbox rule because he is currently represented by counsel. *See Williams v. Russo*, 636 F. App'x 527, 531 (11th Cir. 2016) (asserting that the mailbox rule only applies to filings submitted by *pro se* prisoners).